

Patent

Our Docket: 1011.CON1.2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: COUTO et al.	)	Art Unit: 1635
Serial No. 10/632,645	)	Examiner: Brian A. Whiteman
Filed: August 1, 2003	)	
For: Adeno-Associated Vector Composition for Expression of Factor VIII	) )	) )

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA, 22313-1450

June 1, 2000

Signature of person mailing correspondence

# **Response to Species Election**

This communication is being filed in response to a Restriction Requirement mailed on December 7, 2005 in connection with the above connection with the above-identified patent application. Applicants are filing concurrently with this response a Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures.

A response to this Restriction Requirement was originally due on January 7, 2006. As part of this Communication, Applicant is filing a Petition for a Five Month Extension of Time, thereby extending the deadline to file a response to June 7, 2006. Accordingly, this response is timely filed.

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#### I. Remarks

Claims 1-11 are pending in the subject application and are subject to a species election.

### **II. Species Election**

In the Office Action, the Examiner has required restriction under 35 U.S.C. § 121 to one of the following patentably distinct species of the claimed invention: a tissue-specific promoter selected from the HNF-3 albumin promoter in claim 4 and the TTR gene promoter in claim 5.

Responsive to the requirement for an election of species, Applicants hereby elect the species "TTR gene promoter", which reads on claim 5. This election is without traverse to the extent that it is understood that the requirement will be withdrawn upon the finding of an allowable generic claim.

## III. Conclusion

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted

Date

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